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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/45. The question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women

The Commission on Human Rights,

Recalling its resolution 1993/46 of 8 March 1993 on integrating the rights of women into the human rights mechanisms of the United Nations, in which it also decided to consider the appointment of a special rapporteur on violence against women at its fiftieth session,

Also recalling that the World Conference on Human Rights welcomed the decision of the Commission on Human Rights to consider the appointment of the Special Rapporteur on violence against women at its fiftieth session,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women,

Mindful that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993), and reiterating that such acts constitute grave breaches of international humanitarian law,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of

working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

Recalling the outcome of the World Conference on Human Rights as reflected in the Vienna Declaration and Programme of Action, which affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Also recalling that the Vienna Declaration and Programme of Action affirmed that the human rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments as they relate to women, and urged Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of the human rights of women and the girl child,

Bearing in mind that the programme of action for the equal status and human rights of women adopted in the Vienna Declaration (Part II, B, 3) sets out a series of measures to be taken to further the full and equal enjoyment by women of all human rights as a priority for Governments and the United Nations, and recognizing the importance of the integration and the full participation of women as both agents and beneficiaries in the development process,

Welcoming the report of the Secretary-General (E/CN.4/1994/34) submitted in response to the request contained in resolution 1993/46 to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the resolution and in particular the action taken to create a focal point in the Centre for Human Rights for the human rights of women,

Considering that the Vienna Declaration and Programme of Action called on the United Nations to encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and to avoid, as far as possible, the resort to reservations,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women strengthens and complements this process,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women,

Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995, and urging that human rights of women should play an important role in its deliberations,

Recognizing the important role of the women's movement and of non-governmental organizations in promoting the human rights of women,

1. Condemns all violations of the human rights of women, including acts of gender-based violence against women;

2. Calls for, in accordance with the Declaration on the Elimination of Violence against Women, the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

3. Condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

4. Calls for the elimination of violence against women in public and private life, of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism;

5. Urges Governments to intensify their efforts to promote and protect the human rights of women and eliminate violence against women, in accordance with the Vienna Declaration and Programme of Action and the Declaration on the Elimination of Violence against Women, through the adoption of all appropriate means and measures, at the national, regional and international levels;

6. Decides to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who will report to the Commission on an annual basis beginning at its fifty-first session;

7. Invites the Special Rapporteur, in carrying out this mandate, and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women, to:

(a) Seek and receive information on violence against women, its causes and its consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;

(b) Recommend measures, ways and means, at the national, regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences;

(c) Work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with the treaty bodies, taking into account the Commission's request that they regularly and systematically include in their reports available information on human rights violations affecting women, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

8. Requests the Chairman of the Commission, after consultation with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of women;

9. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested;

10. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

11. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women;

12. Calls for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

13. Recognizes the particular role of the Commission on the Status of Women in promoting equality between women and men;

14. Encourages the strengthening of cooperation and coordination between the Commission on Human Rights, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and other treaty bodies, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies;

15. Calls for closer cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women;

16. Renews its call to Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the

information they provide to special rapporteurs, treaty bodies and to all other United Nations bodies and mechanisms concerned with human rights, and notes that the Vienna Declaration and Programme of Action calls on all special rapporteurs, working groups, the treaty bodies and other mechanisms of the Commission and the Sub-Commission to make use of such data in their deliberations and findings;

17. Renews its request to the Secretariat to ensure that special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission are fully apprised of the particular human rights violations suffered by women, and noting in view of the fact that the Vienna Declaration and Programme of Action encourages training for United Nations human rights and humanitarian relief personnel to assist them to recognize and deal with the human rights violations particular to women and to carry out their work without gender bias, and requests the Centre for Human Rights to take action in this regard;

18. Requests all special rapporteurs, experts, working groups, treaty bodies, and other mechanisms of the Commission and the Sub-Commission, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations against women;

19. Requests Governments and the United Nations to include in their human rights education activities information on the human rights of women;

20. Notes that the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, may consider the question of means of integrating the human rights of women into the mainstream of United Nations system-wide activity;

21. Decides to continue its consideration of the question as a matter of high priority at its fifty-first session;

22. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of the Commission on Human Rights resolution 1994/45 of 4 March 1994, approves:

(a) The Commission's decision to appoint a special rapporteur on violence against women, including its causes and its consequences;

(b) The Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular, the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups,

and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

(c) The Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fifty-first session."

56th meeting
4 March 1994
[Adopted without a vote.]

1994/46. Human rights and terrorism

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Recalling also General Assembly resolution 48/122 of 20 December 1993, its own resolution 1993/48 of 9 March 1993 and resolutions 1993/13 of 20 August 1993 and 1993/23 of 23 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reiterating that all Member States have an obligation to promote and protect human rights and fundamental freedoms, and also that every individual should strive to secure their universal and effective recognition and observance,

Deeply concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon States to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism, and urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

3. Requests the Secretary-General to collect information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration;

4. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the possibility of undertaking a study on the question of terrorism and human rights in the context of its procedures;

6. Decides to continue its consideration of the question as a matter of priority at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/47. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the principles set forth in the Charter of the United Nations,

Recalling also General Assembly resolution 2625 (XXV) of 24 October 1970 containing the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming General Assembly resolution 3281 (XXIX) of 12 December 1974 containing the Charter of Economic Rights and Duties of States, in particular its article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Reaffirming also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Bearing in mind its resolutions 1991/79 of 6 March 1991, 1992/39 of 28 February 1992 and 1993/59 of 9 March 1993,

Gravely concerned that the use of unilateral coercive measures adversely affects the socio-humanitarian activities of developing countries and that, in some cases, intensification of such measures hinders the acquisition of essential goods and has a negative effect on the full enjoyment of all human rights,

1. Calls upon the international community to reject the use by certain countries of unilateral economic measures which are in clear contradiction with international law against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subject to those measures;

2. Reaffirms that the implementation of unilateral coercive measures as a means of exercising political, economic or social pressure against developing countries, which are in clear contradiction with international law, prevents the full realization of all human rights by the people subject to those measures, particularly children, women and elderly people;

3. Requests all States to refrain from adopting any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular, the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services;

4. Condemns the fact that certain countries using their predominant position in the world economy, continue to intensify the adoption of unilateral coercive measures against developing countries, which are in clear contradiction

with international law, such as trade restriction, blockades, embargoes, freezing of assets with the purpose of preventing these countries from exercising their right fully to determine their political, economic and social system and freely to expand their international trade;

5. Also reaffirms that essential goods, in particular food and medicines, should not be used as a tool for political pressure;

6. Requests the Secretary-General to submit, in consultation with Governments and specialized agencies, as well as with intergovernmental and non-governmental organizations, a report to the Commission on Human Rights at its fifty-first session on the coercive measures unilaterally implemented against developing countries hindering the full realization of all rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, particularly the right of people to a minimum standard of living and development.

56th meeting
4 March 1994
[Adopted by a roll-call vote of 23 to 18, with 12 abstentions.]

1994/48. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992 and 1993/57 of 9 March 1993,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action, emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

Taking note of resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the joint communiqué of the 26th Association of South-East Asian Nations (ASEAN) Ministerial Meeting held at Singapore on 23 and 24 July 1993 whereby it was agreed that in support of the Vienna Declaration and Programme of Action, ASEAN should consider the establishment of an appropriate regional mechanism on human rights; and welcoming also the holding of the ASEAN Colloquium on Human Rights at Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the ASEAN Institutes of Strategic and International Studies, intended inter alia to lead and facilitate the process of developing a subregional human rights body for the promotion and protection of human rights in the ASEAN countries,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have a valuable role in this process,

Recalling the contribution made by the Second Asia-Pacific Workshop on Human Rights Issues, National Institutions and Regional Arrangements, held at Jakarta from 26 to 28 January 1993, particularly its Chairman's concluding remarks,

Welcoming the decision of the Government of the Republic of Korea to host an Asia-Pacific regional meeting on human rights at Seoul, in 1994,

1. Welcomes the report of the Secretary-General (E/CN.4/1994/40) and the progress achieved in the implementation of Commission on Human Rights resolution 1993/57 of 9 March 1993;

2. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of that Commission, and requests the Secretary-General to maintain a continuing flow of human rights materials to its library;

3. Also encourages the United Nations development agencies in the Asian and Pacific region to coordinate with the Economic and Social Commission for Asia and the Pacific and other United Nations agencies in their efforts to promote the human rights dimension in their activities;

4. Welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, namely the Seminar on National,

Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held at Colombo from 21 June to 2 July 1982, the first Asia-Pacific Workshop on Human Rights, held at Manila, from 7 to 11 May 1990, and the second Asia-Pacific Workshop on Human Rights Issues, held at Jakarta, from 26 to 28 January 1993, all of which focused on national institutions and regional arrangements for the promotion and protection of human rights;

5. Also welcomes the establishment of national commissions for human rights by the Governments of India and Indonesia, and the decisions concerning and the preparatory steps being taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of Papua New Guinea, Sri Lanka and Thailand;

6. Endorses the decision of the Government of the Republic of Korea to host an Asia-Pacific regional meeting in 1994 at Seoul on the region's consultative mechanism;

7. Requests the Secretary-General to facilitate the realization of the decision of the Government of the Republic of Korea to hold that regional meeting under the regular budget for advisory services and technical assistance;

8. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into account the various approaches and mechanisms identified in the Chairman's concluding remarks at the second Asia-Pacific Workshop held at Jakarta;

9. Appeals to all Governments in the Asian and Pacific region to consider making use of the possibility offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national or regional level for appropriate government personnel on the application of international human rights standards and the experience of relevant national and international organs;

10. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region as regards benefiting from all the activities under the programme of advisory services and technical assistance in the field of human rights, particularly in the light of interest in the region in

developing national institutions and regional arrangements for the promotion and protection of human rights;

11. Appeals to the Secretary-General to make more resources available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programme of advisory services and technical assistance of the Centre for Human Rights;

12. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and sub-regional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights;

13. Also encourages all States in the Asian and Pacific region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance;

14. Requests the Secretary-General to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of the present resolution;

15. Also requests the Secretary-General to submit to the Commission at its fifty-first session a further report incorporating information on the progress achieved in the implementation of the present resolution;

16. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

56th meeting
4 March 1994
[Adopted by a roll-call vote of 45 to 1, with 7 abstentions.]

1994/49. The protection of human rights in the context of human immuno-deficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Convinced that HIV/AIDS-related discrimination is a contravention of the fundamental principle of non-discrimination as reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

Recalling General Assembly resolutions 46/203 of 20 December 1991 and 45/187 of 21 December 1990, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988, WHA43.10 of 16 May 1990, WHA45.35 of 14 May 1992 and WHA46.37 of 14 May 1993, general recommendation 15 of the Committee on the Elimination of Discrimination against women and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Recalling its resolution 1990/65 of 7 March 1990, in which it endorsed the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Luis Varela Quirós to undertake a study on problems and causes of discrimination against people infected with HIV or people with AIDS, and its resolutions 1992/56 of 3 March 1992 and 1993/53 of 9 March 1993 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, within the framework of the global strategy for the prevention and control of AIDS, in combating discrimination against HIV-infected persons, including people with AIDS,

Recognizing the major contribution made by national and international non-governmental organizations in particular organizations of people with HIV/AIDS, and the International Federation of Red Cross and Red Crescent Societies in fighting discrimination against and advocating the rights of people living with HIV/AIDS,

Noting with appreciation the Rights and Humanity Declaration and Charter on HIV and AIDS, transmitted to the Commission at its forty-eighth session by the Permanent Mission of the Gambia to the United Nations (E/CN.4/1992/82),

Recognizing that the challenges presented by HIV/AIDS require renewed efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially

vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantageous legal, social and economic status,

Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people with HIV infection or AIDS, their families and associates enjoyment of their fundamental rights and freedoms,

Concerned that the fear and ignorance surrounding AIDS are leading to increased stigmatization of and prejudice against people with HIV/AIDS or presumed to be at risk of infection, sometimes resulting in intimidation, harassment or violence against such individuals, as well as to arbitrary detention and deportation,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35, there is no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening,

Recognizing that anti-discrimination measures form a component part of an effective public health strategy,

Stressing that discrimination and stigmatization are counter-productive to measures to prevent and control HIV/AIDS,

Emphasizing the responsibility of Governments, in a spirit of human solidarity and tolerance, to counter social stigmatization of and discrimination against those affected by HIV/AIDS, their families and those with whom they live, and people considered to be at risk of infection,

1. Calls upon all States to ensure that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the case of persons infected with HIV/AIDS;

2. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV/AIDS, their families and those in any way associated with them, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization, and to ensure their access to the necessary care and support;

3. Urges all States to include in their AIDS programmes measures to combat social stigmatization, discrimination and violence directed against persons with HIV/AIDS, and to take the necessary steps to develop the supportive social environment necessary for the effective prevention and care of AIDS;

4. Also urges all States to review their legislation and practice to ensure the right to privacy and integrity of persons with HIV/AIDS and those presumed to be at risk of infection;

5. Invites the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people infected with HIV/AIDS, their families and people with whom they live, or people presumed to be at risk of infection;

6. Urges relevant working groups and special rapporteurs to consider in their reports the impact of HIV/AIDS on the enjoyment of human rights;

7. Welcomes the preliminary, progress and final reports of Mr. Luis Varela Quirós, Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1990/9, E/CN.4/Sub.2/1991/10, E/CN.4/Sub.2/1992/10 and E/CN.4/Sub.2/1993/9), and requests the Secretary-General to bring these reports to the attention of the relevant bodies of the United Nations system, specialized agencies, working groups and special rapporteurs, as well as to the human rights treaty bodies, the World Bank and other relevant financial institutions, and those concerned with the status of women;

8. Also welcomes resolution EB93.R5 of 21 January 1994 adopted by the Executive Board of the World Health Organization, in which the Executive Board recommended the development and eventual establishment of a joint and co-sponsored United Nations programme on HIV/AIDS and urged that human rights concerns be incorporated into the strategies implementing the new programme;

9. Expresses its grave concern about the risk which the continuing exploitation of children and child prostitution pose for the transmission of HIV,

and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery to pay sustained attention to this question;

10. Calls upon relevant professional bodies to re-examine their codes of professional practice with the view of strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

11. Requests the Secretary-General to prepare for the consideration of the Commission at its fifty-first session a report on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS and to make appropriate recommendations thereon.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/50. Strengthening of the rule of law

The Commission on Human Rights,

Recalling that the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all, without any distinction as to race, sex, language and religion, is one of the purposes of the United Nations,

Recalling also that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Considering that the rule of law contributes to the proper maintenance of law and order and the legal development of social relations and provides a means of ensuring that the State does not exercise its powers in an arbitrary way,

Considering also that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Bearing in mind the various resolutions adopted on the programme of advisory services in the field of human rights, most recently its resolution 1993/87 of 10 March 1993, and the need to strengthen that programme and to make it more effective,

Recognizing that, particularly in developing countries which are fully committed to human rights and may face difficulties in this area, the United Nations system should contribute with technical, material and financial resources to assist those Governments that so request to develop and strengthen the rule of law with a view to ensuring respect for human rights and fundamental freedoms,

Recognizing the need for the United Nations to equip itself with the mechanisms required for making a more positive and significant contribution to strengthening the rule of law in countries engaged in such efforts,

Aware that, to that end, the Centre for Human Rights should be able to offer concrete technical advice and financial support to national projects aiming at the improvement of the human rights situation,

Recalling its resolutions 1992/51 of 3 March 1992 and 1993/50 of 9 March 1993, both entitled "Strengthening of the rule of law",

Noting with appreciation that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, recommended that priority be given to national and international action to promote democracy, development and human rights,

Recalling General Assembly resolution 48/132 of 20 December 1993, entitled "Strengthening of the rule of law",

1. Endorses the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations, to be coordinated by the Centre for Human Rights, in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law;

2. Expresses its conviction that such a programme should be able to provide, upon the request of the interested Government, technical and financial assistance for the implementation of national plans of action as well as specific projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the proper functioning of the rule of law;

3. Underlines the importance of the request made by the General Assembly to the Secretary-General, in accordance with the recommendation contained in part II, paragraph 70, of the Vienna Declaration and Programme of Action, to submit concrete proposals to the General Assembly at its forty-ninth session containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme, taking into account existing programmes and activities already undertaken by the Centre for Human Rights;

4. Decides to remain actively seized of this question, with a view to further elaborating the outline of the proposed programme;

5. Also decides to continue its consideration of this question at its fifty-first session, under the agenda sub-item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", in the light of the proposals of the Secretary-General.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/51. Proclamation of a decade for human rights education

The Commission on Human Rights,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, according to which "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms",

Bearing in mind the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights, on 25 June 1993, and in particular section D on human rights education,

Recalling the provisions of other international human rights instruments, such as article 13 of the International Covenant on Economic, Social and Cultural Rights and article 20 of the Convention on the Rights of the Child,

Further recalling its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in educational policies,

Bearing in mind General Assembly resolution 48/127 of 20 December 1993, in which the Assembly requested the Commission "to consider proposals for a United Nations decade for human rights education, which should be incorporated by the Secretary-General into a plan of action for such a decade and submitted, through the Economic and Social Council, to the General Assembly at its forty-ninth session with a view to the proclamation of a decade for human rights education",

Convinced that human rights education is a priority in that it contributes to a concept of development consistent with the dignity of the human person which takes account of the various segments of society such as children, women, indigenous peoples, racial minorities and disabled persons,

Aware that human rights education involves more than providing information to students but, rather, is a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Taking into account the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well by intergovernmental organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation and the United Nations Children's Fund,

Convinced that individuals must come to know human rights as a comprehensive concept encompassing their civil, cultural, economic, political and social rights,

1. Requests the Economic and Social Council to request the General Assembly to proclaim the 10-year period beginning on 1 January 1995 as the decade for human rights education;

2. Requests the Secretary-General to consider the establishment of a voluntary fund for human rights and education, with special provision for support of the human rights education activities of non-governmental organizations, to be administered by the secretariat of the United Nations Centre for Human Rights, as requested in paragraph 5 of General Assembly resolution 48/127;

3. Urges States to develop programmes and books for the teaching of human rights in primary and secondary education;

4. Also urges all Member States, the specialized agencies and the non-governmental organizations to develop plans of work and to consider allocating resources to contribute to the objectives of the decade for human rights education, taking into account the multi-ethnic character of many societies and the special needs of groups such as children, women, indigenous populations, minorities and disabled persons;

5. Further urges all Member States, the specialized agencies and the non-governmental organizations to provide technical and financial cooperation, including measures of support for human rights education programmes and the allocation of funds for the attainment of the objectives of the decade for human rights education;

6. Encourages the human rights monitoring bodies, in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, to intensify their efforts in relation to the implementation by States parties of their possible treaty-based obligations regarding education and aspects of education linked to human rights;

7. Also encourages the monitoring bodies to consider requesting States parties to include in the reports called for under the respective human rights treaties, information relating to the context and scope of formal and informal human rights education;

8. Invites the chairpersons of the human rights monitoring bodies to reflect on how each committee could best contribute, within its global perspective, to the promotion of human rights education;

9. Encourages the United Nations High Commissioner for Human Rights, acting in cooperation with Member States, the monitoring bodies, intergovernmental organizations, competent non-governmental organizations and other relevant organs, to include among his specific objectives a plan of action for the "United Nations decade for human rights education";

10. Invites the Secretary-General to submit to the General Assembly at its forty-ninth session, through the Economic and Social Council, a plan of action incorporating any additional activities which might result from consultations with the High Commissioner for Human Rights, Member States, bodies specializing in the field, governmental organizations, non-governmental organizations and other appropriate bodies, as provided for in paragraph 4 of General Assembly resolution 48/127;

11. Decides to continue the consideration of this question at its fifty-first session under an appropriate agenda item.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/52. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly and its own resolutions on this subject,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Acknowledging the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

Welcoming the appointment of the High Commissioner for Human Rights with the function, inter alia, of coordinating relevant United Nations education and public information programmes in the field of human rights, in accordance with General Assembly resolution 48/141 of 20 December 1993,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1994/36);

2. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects of the Centre for Human Rights, and encourages the Secretary-General to ensure the widest possible dissemination of the Vienna Declaration and Programme of Action and of information on its follow-up activities;

3. Requests the Centre for Human Rights to finalize its comprehensive review of the programme of information and publications in the field of human rights, including the elaboration of a new information strategy as described in the report of the Secretary-General, and to make an assessment of the effectiveness of this programme, and encourages the Centre to continue its efforts towards streamlining and focusing its publications programme;

4. Encourages the Centre to continue the development of training courses and materials, including targeted training manuals for professional audiences, as described in the report of the Secretary-General, welcomes the convening in 1993 of expert meetings for the purpose of elaborating training manuals, and encourages the continuation of this procedure;

5. Welcomes the publication of the Human Rights Bibliography (United Nations publication, Sales No. G.V.E.92.0.16) by the Centre for Human Rights and the United Nations Library and its availability in electronic format through the United Nations Bibliographic Information System, and encourages the Centre actively to explore further possibilities for the production of computer-accessible human rights information and human rights databases;

6. Urges the Secretary-General to utilize more fully and effectively United Nations information centres for the purpose of timely dissemination, within their designated areas of activity, of basic information and reference materials on human rights and fundamental freedoms, including the reports of States parties to treaty-monitoring bodies, and, to this end, to ensure that United Nations information centres are supplied with adequate quantities of those materials, both in the official languages of the United Nations and in the relevant national languages;

7. Requests the Department of Public Information to make full use of its available resources to produce audio-visual materials on human rights issues, as specifically requested in paragraph 4 of General Assembly resolution 45/99;

8. Requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign, including in the dissemination of human rights materials;

9. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. Supports the recommendation of the World Conference on Human Rights that Member States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women, and encourages Member

States, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights;

11. Stresses that the Centre for Human Rights should have full responsibility for all United Nations publications in the field of human rights and, in this context, requests the Secretary-General to consider redeploying the financial and human resources within the Department of Public Information currently devoted to the above-mentioned human rights activities to the Centre for Human Rights, as part of his efforts towards strengthening the Centre for Human Rights, to implement the Vienna Declaration and Programme of Action and to support the newly established office of the High Commissioner for Human Rights;

12. Requests the Secretary-General to submit to the Commission, at its fifty-first session, a report on public information activities, with special emphasis on the activities of the World Public Information Campaign for Human Rights, including information on expenditures incurred in 1993 and those envisaged for future activities and other questions raised in the present resolution;

13. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

56th meeting
4 March 1994
[Adopted without a vote.]

1994/53. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991, 1992/41 of 28 February 1992 and 1993/47 of 9 March 1993,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups, and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

Recalling further recommendations contained in the Vienna Declaration and Programme of Action, especially in part II, paragraph 95, in which the World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission,

Recalling the first meeting of the special rapporteurs, representatives, experts and members or chairmen of working groups of the Commission on Human Rights, held from 14 to 16 June 1993 on the occasion of the World Conference on Human Rights,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention may carry out their mandates effectively;

4. Also encourages Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their annual reports information provided by Governments on follow-up action, as well as their own observations thereon;

7. Also invites the non-governmental organizations to continue their cooperation with thematic procedures;

8. Encourages the thematic special rapporteurs and working groups to make recommendations for the avoidance of human rights violations;

9. Also encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

10. Further encourages the thematic special rapporteurs and working groups to continue close cooperation with relevant treaty monitoring bodies and country rapporteurs;

11. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to exercise their mandates even more effectively, and to include also in their reports suggestions for areas where Governments might request relevant assistance through the advisory services programme administered by the Centre for Human Rights;

12. Calls on the thematic special rapporteurs and working groups to include in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to assure the effective protection of their human rights;

13. Requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

14. Welcomes the joint declaration of the independent experts responsible for the special procedures for the protection of human rights of 17 June 1993;

15. Requests the Secretary-General to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairmen of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate more closely and make recommendations;

16. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1994-1995, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/54. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolutions 1990/73 of 7 March 1990, 1991/27 of 5 March 1991, 1992/54 of 3 March 1992 and 1993/55 of 9 March 1993, and General Assembly resolutions 44/64 of 8 December 1989, 46/124 of 17 December 1991 and 48/134 of 20 December 1993,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements to ensure the effective implementation of international human rights standards,

Convinced of the important role that can be played by national institutions in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions expressed during the regional preparatory meetings for the World Conference on Human Rights and at the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris from 7 to 9 October 1991, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992, the Workshop for the Asia-Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held at Tunis from 13 to 17 December 1993,

Welcoming with particular satisfaction the convening of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights at Tunis, and noting the decisions and recommendations adopted by national institutions at that meeting relating to the strengthening of national institutions, as well as the recommendations on the protection of disabled persons, children, women, migrants and those subject to arbitrary detention and torture (E/CN.4/1994/45, chap. VI),

Welcoming also the decisions, announced recently by several States, to establish, or consider establishing, independent national institutions for the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference, in which was reaffirmed the important constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, and in the dissemination of human rights information and education concerning human rights,

Noting in particular that the World Conference on Human Rights urged Governments to strengthen national institutions which play a role in promoting and safeguarding human rights,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

1. Reaffirms the importance of the development, in accordance with national legislation, of effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

2. Encourages all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;

3. Also encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action, and, where appropriate, to incorporate those elements in national development plans or in their preparation of national action plans;

4. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions, annexed to General Assembly resolution 48/134 of 20 December 1993, as widely as possible, and calls upon the Secretary-General to undertake this task;

5. Affirms the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

6. Recognizes the important and constructive role that non-governmental organizations can play in cooperation with national institutions for the better promotion and protection of human rights;

7. Welcomes the decision taken by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights (Tunis, 13-17 December 1993) to establish a Coordinating Committee which will hold meetings under the auspices of and in cooperation with the Centre for Human Rights and, in close cooperation with the Centre for Human Rights, will assist national institutions to follow up the relevant resolutions

and recommendations concerning the strengthening of national institutions, including those contained in the report of the Workshop (E/CN.4/1994/45);

8. Requests the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

9. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;

10. Requests the Secretary-General to convene a third international workshop of national institutions during 1995 in either Latin America or Asia, to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund and to finance attendance by representatives of national institutions from the Voluntary Fund;

11. Requests the Secretary-General to prepare a report, to be submitted to the Commission at its fifty-first session, drawing on comments by States and national institutions and recalling the World Conference on Human Rights, concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights;

12. Decides to continue its consideration of this question at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/55. Strengthening the Centre for Human Rights

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recalling that the Vienna Declaration and Programme of Action stresses the importance of strengthening the Centre for Human Rights,

Recalling also that the Secretary-General, in his reports on the work of the Organization for 1992 and 1993, stated that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives, along with promoting development and preserving international peace and security", and that "in the course of 1993, the activities of the Centre for Human Rights at Geneva underwent a significant expansion in the five main areas of its work",

Recalling further that the Commission, in paragraph 30 of its report (E/CN.4/1988/85 and Corr.1) to the Special Commission of the Economic and Social Council, reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution", and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations, emphasizing the desirability of paying particular attention to the recruitment to the Centre for Human Rights of persons from under-represented countries,

Recalling, in this context, the relevant resolutions of the General Assembly on the improvement of the status of women in the Secretariat urging the Secretary-General to accord greater priority to the recruitment and promotion of women,

Welcoming the decision by the General Assembly to establish the post of High Commissioner for Human Rights as well as the mandate for the post, including its overall coordinating role and its supervisory function in relation to the Centre for Human Rights, as well as the request by the General Assembly for appropriate staff and resources for the High Commissioner for Human Rights,

Emphasizing the important role of the Centre for Human Rights as the coordinating unit within the United Nations system in the promotion, protection and implementation of human rights and the need to provide it with sufficient

human and financial resources, particularly in view of the fact that its workload has dramatically increased while resources have failed to keep pace with the expansion of its responsibilities,

Noting that the activities envisaged in the Vienna Declaration and Programme of Action will add further to the workload and the responsibilities of the Centre for Human Rights,

Noting also that the difficult financial situation of the Centre for Human Rights has created considerable obstacles in implementing the various procedures and mechanisms and negatively influenced the servicing by the Secretariat of the human rights machinery,

Acknowledging that further improvement of the functioning and efficiency of the Centre for Human Rights, together with a strong emphasis on good management practice, is needed in order to enable the Centre to cope with the constantly increasing workload,

Noting with appreciation the measures already taken by the Assistant Secretary-General for Human Rights aimed at improving the administration and management of the Centre for Human Rights,

Noting also that to improve the functioning and the efficiency of the Centre for Human Rights, good management practice needs to be complemented by additional resources commensurate with the additional mandates,

1. Requests the Secretary-General to enhance further the role and importance of the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights, as the coordinating unit within the United Nations system with respect to human rights;

2. Welcomes the endorsement by the General Assembly of the recommendations of the World Conference on Human Rights concerning the strengthening of the Centre for Human Rights, as contained in the Vienna Declaration and Programme of Action;

3. Takes note of the report of the Secretary-General (E/CN.4/1994/74) on the measures taken to implement General Assembly resolution 48/129 of 20 December 1993 on the strengthening of the Centre for Human Rights of the Secretariat;

4. Requests the Secretary-General to ensure that sufficient resources from within the regular budget of the United Nations are accorded, as a matter of

urgency, to the Centre for Human Rights to enable it to undertake all its functions, in full and on time;

5. Requests in particular the Secretary-General and the General Assembly to ensure that appropriate additional staff and resources from within the existing and future regular budgets of the United Nations are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, the mandates contained in the Vienna Declaration and Programme of Action without diverting resources from development programmes and activities of the United Nations;

6. Emphasizes the need to provide appropriate staff and resources from within the existing and future regular budgets of the United Nations to enable the High Commissioner for Human Rights to carry out his mandate with the assistance of the Centre for Human Rights;

7. Emphasizes also that further steps should be undertaken to analyse the present and future utilization of available human and financial resources and, while noting with appreciation the measures recently taken by the Assistant Secretary-General for Human Rights aimed at improving the management of the Centre, that additional measures should be taken to improve further the administrative efficiency and effectiveness of the Centre for Human Rights, if required with appropriate technical assistance;

8. Decides to consider the question of strengthening the Centre for Human Rights, including measures taken in furtherance of the present resolution, at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/56. Composition of the staff of the Centre for Human Rights

The Commission on Human Rights,

Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that

due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible,

Also recalling that in part II, paragraph 11, of the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities,

Taking into account the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

1. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution;

2. Requests the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries, to ensure equitable geographical distribution, and in this regard to give priority in particular to recruitment to high-level and Professional posts and also to the recruitment of women;

3. Also requests the Secretary-General to present to the Fifth Committee of the General Assembly at its forty-ninth session, through the Economic and Social Council, a report on the current geographical distribution of posts in the staff of the Centre for Human Rights in order to evaluate the implementation of the present resolution;

4. Decides to consider this matter at its fifty-first session.

56th meeting
4 March 1994
[Adopted by a roll-call vote of 36 to 15, with 2 abstentions.]

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Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/57. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights,

Recalling its resolution 1993/65 of 10 March 1993,

Taking note of the report of the Secretary-General submitted pursuant to Commission resolution 1993/65 (E/CN.4/1994/75),

Welcoming the legislative and administrative measures taken by the Government of Albania to guarantee and promote the observance of human rights in Albania,

Welcoming also the willingness of the Government of Albania to cooperate with the Commission on Human Rights and the Centre for Human Rights,

1. Calls upon the Government of Albania to pursue its positive steps towards meeting the requirements under the International Bill of Human Rights and other relevant international instruments, by which the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed;

2. Encourages technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992;

3. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide information regarding its implementation,

(b) To report to the Commission at its fifty-first session on the implementation of the present resolution.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/58. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1993/88 of 10 March 1993,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/16 of 20 August 1993,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1994/31), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7),

Having considered also the report of the independent expert Mrs. Monica Pinto (E/CN.4/1994/10), and studied the conclusions and recommendations contained therein,

Welcoming the mobilization of the people of Guatemala, which has made possible the restoration of the constitutional order and the rule of law following the events of 25 May 1993, and which has led to the appointment as constitutional President of the Republic of Mr. Ramiro de León Carpio, whose work as Human Rights Procurator has been widely recognized by Guatemalan society,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that there continue to be human rights violations attributed to members of the armed forces and security forces, and to the so-called voluntary civil self-defence committees,

Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been little progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict, especially in the so-called communities in resistance,

Regretting the serious human rights violations and marginalization that have been suffered by the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences, particularly for the indigenous populations and for the most vulnerable sectors of Guatemalan society, such as women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of 1993,

Taking note also of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, signed in Mexico City on 10 January 1994,

Expressing the hope that the will shown by the Government and by Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict and will contribute to the establishment of firm and lasting peace, through the conclusion of the negotiations in the near future, including the signing of tne human rights agreement, with international verification within the time-limits and on the terms agreed on by the parties, an agreement whose realization will contribute to full respect for the human rights of the whole of the Guatemalan people,

Recognizing the importance of the role that will be played by the representative of the Secretary-General as mediator in these negotiations, and of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, United States of America and Venezuela, and of civil society, on the terms established in the Framework Agreement,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with the aim of promoting full

respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the independent expert;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert;

3. Recognizes the efforts made by President Ramiro de León Carpio and urges him to continue to adopt the necessary urgent measures to consolidate the democratic institutions and to promote and protect human rights and fundamental freedoms;

4. Regrets that the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms has not yet assumed practical form through a more significant improvement, since serious violations of human rights continue to occur, particularly threats and intimidation and crimes against the lives and physical integrity of individuals;

5. Urges both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;

6. Exhorts the Government of Guatemala to adopt the necessary legal and political measures to guarantee the independence of the Judiciary and respect for its decisions, to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to provide compensation for the victims of such violations, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

7. Again exhorts the Government of Guatemala to continue to apply the independent expert's recommendations, such as the abolition of the system of voluntary civil self-defence committees, starting in those areas in which there is no armed conflict and in accordance with the criteria established in the peace negotiations, and also exhorts it to promote the approval by Congress of the new

law regulating the performance of military service and eliminating arbitrary recruitment practices;

8. Again appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed forces and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people, and encourages it to include in the curricula and training programmes for personnel of the armed forces and security forces the

constitutional provisions and the international commitments undertaken by the Government of Guatemala in the field of human rights;

9. Again exhorts the Government of Guatemala to expedite and develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the implementation of the legal standards guaranteeing the rights and freedoms of the indigenous peoples and the most vulnerable sectors of the population, including street children;

10. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, since it enables all sectors of Guatemalan society to support and respect civilian authority;

11. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

12. Encourages the Government of Guatemala to provide the requisite facilities and adopt the necessary measures to ensure that the Presidential Commission on Human Rights (COPREDEH) is the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

13. Exhorts the Government of Guatemala to promote concrete activities that will enable the population to attain better living standards, giving priority to the economic and social development programmes, and to strengthen

policies and programmes concerning Guatemala's indigenous population, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

14. Encourages continuation of the refugee repatriation process, appeals to the competent authorities to ensure that this process continues with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement in their places of origin, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

15. Urges the Government of Guatemala to assist the civilian population displaced by the internal armed conflict and to help them to form their communities;

16. Also urges the Government of Guatemala to consider the earliest possible ratification of the international human rights instruments to which it is not yet a party, in particular the International Labour Organisation's Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries;

17. Takes note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, signed on 10 January 1994, and pays tribute to the work of the representative of the Secretary-General as mediator and the efforts of the Group of Friendly Countries to advance the peace process;

18. Expresses the hope that the negotiations under way in Mexico City between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca will lead to the signing of a firm and lasting peace agreement in 1994;

19. Urges both parties, as part of this process, to reach substantive agreements on all items on the agenda, and to conclude and implement without delay the human rights agreement, with the corresponding machinery for international verification;

20. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

21. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-first session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

22. Decides to consider the question at its fifty-first session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item entitled "Advisory services in the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which will be assessed in the report of the independent expert on the situation of human rights in Guatemala.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/59. Assistance to the Republic of Georgia in the field of human rights

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling in particular its resolution 1993/85 of 10 March 1993, in which the Commission requested the Secretary-General to evaluate the needs for support and technical assistance in the field of human rights to the Government of Georgia,

Deeply concerned at the continued seriousness of the situation of human rights of inhabitants of Georgia, including Abkhazia,

Noting with satisfaction the efforts within the United Nations system in organizing missions to Georgia, including Abkhazia, to investigate abuses and human rights violations, which are being committed by all sides, and to initiate

a country programme of the Centre for Human Rights for technical assistance to Georgia, to be implemented in 1994,

Noting with appreciation the efforts of the personal representative of the Secretary-General to support a speedy political solution to the conflict in Georgia, including Abkhazia, at the peace talks in Geneva, as well as the positive contribution of the mission of the Conference on Security and Cooperation in Europe to the consolidation of an effective cease-fire in South Ossetia and Abkhazia,

1. Expresses its serious concern at the persistence of numerous and grave violations of human rights in Georgia, including Abkhazia, such as extrajudicial executions, torture and ill-treatment, including rape, inhuman or degrading treatment of prisoners, looting and burning of houses, and deportations of the civilian population;

2. Strongly condemns such reprehensible acts and abuses committed by troops or armed groups in Georgia, including Abkhazia;

3. Welcomes the willingness of the Government of Georgia to cooperate with the Commission on Human Rights and the Centre for Human Rights;

4. Urges the Government of Georgia and the authorities in Abkhazia to carry out investigations into all allegations of human rights violations, with a view to identifying and prosecuting those responsible;

5. Appeals to those in control of the territory of Abkhazia to implement and ensure law and order, to guarantee fully the enjoyment of human rights and to ensure the right of displaced persons to return to Abkhazia and to recover their property;

6. Encourages the Government of Georgia to continue to cooperate in the field of advisory services;

7. Encourages a speedy agreement on the country programme discussed between the Centre for Human Rights and the Government of Georgia and the provision of technical assistance to the Government of Georgia, including inter alia the following components: assistance in creating a national institution for the promotion and protection of human rights, a seminar on minority issues, needs assessment and reform of the system for the administration of justice and the penal code, and training of law enforcement officers, including police, military

and prison officers; implementation of the programme should be coordinated by a human rights officer to be posted in Georgia;

8. Decides to examine the question again at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote.]

1994/60. Assistance to Somalia in the field of human rights

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the loss of life and the breakdown of governmental authority which has resulted in the need for special measures to promote and protect human rights,

Recalling Security Council resolution 897 (1994) of 4 February 1994, as well as related Security Council resolutions and actions, General Assembly resolution 48/146 of 20 December 1993 and Commission on Human Rights resolution 1993/86 of 10 March 1993,

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, the Organization of African Unity, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Recognizing the role of African and other regional organizations, especially the Intergovernmental Authority on Drought and Development, and also the palpable efforts of the Organization of the Islamic Conference and the Arab League, in the settlement of the conflict in Somalia,

Recognizing also the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that disarmament of the parties to the conflict is an important element in improving the human rights situation,

Deploring continued attacks against United Nations personnel and personnel of other humanitarian organizations and non-governmental organizations in Somalia, sometimes resulting in serious injury or death,

Recalling that the World Conference on Human Rights urged that the advisory services and technical assistance programmes of the United Nations system should

be able to respond immediately to requests from States for educational and training activities in the field of human rights, as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Recognizing also the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Emphasizing the importance to that process of developing the Somali police, judicial and penal systems, as well as other institutions for the promotion and protection of human rights, and welcoming the efforts to date by the United Nations Operation in Somalia II in that regard,

Welcoming the establishment of the human rights unit within the United Nations Operation in Somalia II,

Noting the report of the Independent Expert (E/CN.4/1994/77 and Add. 1),

Noting in particular that the development of a long-term programme of advisory services as envisaged in the mandate of the Independent Expert must depend on the final resolution of the political disputes amongst the Somali factions,

1. Urges all parties to the conflict in Somalia to work towards the full implementation of the Addis Ababa Agreement of 27 March 1993;

2. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

3. Calls upon all parties in Somalia to respect international humanitarian law and human rights and criminal justice standards and to protect civilians, United Nations personnel and humanitarian relief workers from injury and death, and reaffirms the applicability of those human rights standards for all parties in Somalia;

4. Reaffirms the need to protect the Somali people against any violations of their human rights by any person or persons and takes note of the recommendation of the Independent Expert that the human rights unit of the United Nations Operation in Somalia II be strengthened and expanded to be able to deal effectively with any alleged violations of human rights and that the unit be enabled to provide assistance to any Somali, non-governmental human rights organization throughout the country;

5. Urges the human rights unit to report regularly on its activities and that such reports be made publicly available;

6. Also urges the human rights unit to continue to pay particular attention to the provision of assistance with regard to strengthening the police, judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards, including the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

7. Requests the Secretary-General to extend for 12 months the mandate of the Independent Expert to assist the Special Representative of the Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the Independent Expert's mandate to allow him to seek and receive information about and report on the human rights situation in Somalia, in an effort to prevent human rights violations;

8. Also requests the Secretary-General to provide adequate resources, from within the overall regular budget of the United Nations, to fund the activities of the Independent Expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Requests the Independent Expert to report to the Commission at its fifty-first session on conditions in Somalia and the implementation of the present resolution;

10. Decides to continue consideration of the question at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

56th meeting
4 March 1994
[Adopted without a vote.]

1994/61. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1993/6 of 19 February 1993 and General Assembly resolution 48/154 of 20 December 1993,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that Cambodia's tragic recent history requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Paris Agreements,

Welcoming the elections of May 1993 and the inauguration of the Royal Government of Cambodia,

1. Welcomes the establishment of the operational presence of the Centre for Human Rights in Cambodia on 1 October 1993 to implement the activities set out in paragraph 2 of Commission on Human Rights resolution 1993/6 of 19 February 1993;

2. Also welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

3. Takes note with satisfaction of the exchange of letters between the Secretary-General and the Royal Government of Cambodia concerning the consent of the Government for the fulfilment of the activities of the Centre for Human Rights and the mandate of the Special Representative in Cambodia;

4. Notes with interest the programme of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General (E/CN.4/1994/73);

5. Requests the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative;

6. Takes note of the transfer of responsibility for the management of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia from the United Nations Transitional Authority in Cambodia to the Centre for Human Rights, in order to allow the Centre to implement its programme of activities in Cambodia in accordance with the Commission on Human Rights mandate, as set out in paragraph 2 of Commission on Human Rights resolution 1993/6;

7. Invites Governments and interested organizations to contribute to the United Nations Trust Fund for a Human Rights Education Programme in Cambodia;

8. Takes note with interest of the report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1994/73) and his recommendations and conclusions (E/CN.4/1994/73/Add.1), in particular the identification of priority areas requiring urgent attention, namely:

(a) The devotion of proper resources for hospitals, schools, courts and for the defence of cultural treasures, especially Angkor Wat;

(b) The support of the National Assembly Human Rights Commission including financial assistance for a proper secretariat, equipment and training;

(c) The enactment of laws and related activities in specially urgent areas;

(d) The implementation of training programmes aimed at the promotion and protection of civil rights;

(e) Ensuring true independence of the judiciary;

9. Requests the Centre for Human Rights to assist, with the consent and cooperation of the Royal Government of Cambodia, in providing advice with respect to the creation of an independent national institution for the promotion and protection of human rights, such as an ombudsman or a human rights commission;

10. Also requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Royal Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;

11. Expresses grave concern at the indiscriminate use of anti-personnel land-mines in Cambodia and the devastating consequences and destabilizing effects such mines have on Cambodian society;

12. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

13. Decides to review the respective programmes and mandates set out in its resolution 1993/6 at its fifty-first session;

14. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-first session and to provide an interim report to the General Assembly at its forty-ninth session;

15. Decides to continue its consideration of this matter at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

57th meeting
4 March 1994
[Adopted without a vote.]

1994/62. El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 1993/93 of 10 March 1993, and the statement by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 20 August 1993 (E/CN.4/1994/2 - E/CN.4/Sub.2/1993/45, para. 245),

Recalling also General Assembly resolution 48/149 of 20 December 1993,

Taking note of the report of the Independent Expert (E/CN.4/1994/11),

Convinced that full and speedy implementation of the outstanding commitments of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in El Salvador,

Concerned by the fact that, in spite of the improvements made in the field of human rights, continuing acts of violence, such as the recent assassinations, attacks and threats against members of various political parties, could affect the peace and national reconciliation process,

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador, to establish the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, which is to conduct an impartial and independent investigation into the activities of such groups and their consequences as regards political violence,

Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador, in particular its Human Rights Division, have contributed significantly to the success of the Peace Accords,

Recognizing also that the effective protection of human rights calls for continued strengthening of and support for the judicial system to help to eliminate impunity and thus ensure the full attainment of the rule of law,

Recognizing with satisfaction the fulfilment of most of the commitments made by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Considering that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Commission on the Truth, and emphasizing that a new process for the full implementation of the peace and national reconciliation agreements is under way,

Taking into account the general elections to be held in El Salvador on 20 March 1994 within a climate of peace achieved by the people of El Salvador,

Recalling the commitment of 5 November 1993 by the presidential candidates to abide by the peace and reconciliation agreements,

Aware that the international community must continue to support all efforts by the Government of El Salvador to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. Expresses its thanks to the Independent Expert for his work and takes note of the report submitted in accordance with his terms of reference (E/CN.4/1993/11) and regrets that circumstances did not permit him to visit El Salvador;

2. Expresses its satisfaction and gratitude to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of the commitments made and having overcome a number of obstacles to the implementation of the agreements, within the framework of the peace and reconciliation process;

3. Recognizes the work of the Governments of Colombia, Spain, Mexico and Venezuela, which make up the Group of Friends of the Secretary-General, and of the Government of the United States of America in supporting the peace process in El Salvador;

4. Recognizes that, while there have been improvements in the situation of human rights in El Salvador, some negative concerns still exist regarding the observance of the right to life and that the capacity of the judicial system to shed light on and punish human rights violations continues to be unsatisfactory;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to intensify their efforts to continue and complete the land transfer programme, the programme for the reintegration of former combatants into society, the deployment of the new National Civil

Police, the collection of weapons in the private hands of the armed forces and the adoption of the Act on Private Security Services, in accordance with the agreements;

6. Expresses its belief that it is important to continue strengthening the Office of the National Counsel for the Defence of Human Rights and to carry out the agreed judicial reforms to ensure its independence and impartiality;

7. Commends the Government of El Salvador on the establishment of the Inter-institutional Investigating Group to investigate human rights violations and punish those responsible, and of the Joint Group for the Investigation of Illegal Armed Groups, set up on the initiative of the Secretary-General and recommended by the Commission on the Truth, and urges all sectors of Salvadorian society to cooperate with that investigation;

8. Reiterates its gratitude for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

9. Requests the Secretary-General to provide the Government of El Salvador with any advisory services it may request, through the Centre for Human Rights;

10. Reaffirms its confidence that the elections of 20 March 1994 will strengthen national reconciliation and urges the people of El Salvador to participate in them;

11. Expresses its support for the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

12. Decides to extend the mandate of the Independent Expert for one year, for the purpose of providing advisory services to El Salvador and reporting, with the close cooperation of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Government of

El Salvador, on developments in human rights in El Salvador to the Commission on Human Rights at its fifty-first session under the agenda item "Advisory services in the field of human rights".

57th meeting
4 March 1994
[Adopted without a vote.]

1994/63. Question of trade union rights

The Commission on Human Rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of promoting and protecting other rights,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and that this and other fundamental trade union rights are guaranteed by the freedom of association conventions of the International Labour Organisation,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Underlining the important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Recognizing that workers' rights are given fuller expression in the International Labour Code, made up of the 174 Conventions and 181 Recommendations, of the International Labour Organisation,

Underlining the particular importance of the Conventions concerning Freedom of Association (Nos. 87 and 98), Discrimination (Nos. 100 and 111) and Forced Labour (Nos. 29 and 105) of the International Labour Organisation,

Recalling that the Declaration on the Right to Development, adopted by the General Assembly on 4 December 1986 (resolution 41/128, annex), calls on States to encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant agencies to ensure the effective promotion and protection of trade union rights, and called on all States to abide fully by their obligations contained in this regard in international instruments,

Considering that trade unions can contribute most significantly to the realization of effective popular participation and thus to development,

Recalling its resolutions 1990/16 of 23 February 1990 and 1992/12 of 21 February 1992 in which it expressed deep concern that in many countries

persons exercising their trade union rights in striving for a more just society and human dignity were subject to serious violations of their fundamental human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of trade union rights,

Regretting that violations of trade union rights have continued in many countries since then,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their right to organize and to form and join trade unions for the protection of their interests;

2. Invites Member States that have not yet done so to ratify and apply in full the International Covenants on Human Rights as well as the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) of the International Labour Organisation and to support the increasingly important work of that Agency;

3. Calls upon States to involve representative trade union organizations in effective processes of popular participation and development, including through appropriate consultative mechanisms;

4. Urges States to work for the provision of a healthy and safe workplace including through consultation and cooperation;

5. Encourages Member States to remove all forms of discrimination in the workplace and invites all States which have not yet done so to ratify and apply in full the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100), with a view to eliminating discrimination against women through adoption of the principle of equal pay for work of equal value.

57th meeting
4 March 1994
[Adopted without a vote.]

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Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decision adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/64. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling and reaffirming its resolution 1993/20 of 2 March 1993,

Recalling also General Assembly resolutions 48/91 of 20 December 1993 and 48/148 of 20 December 1993,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Noting resolution 1993/3 of 16 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Having examined the first report (E/CN.4/1994/66) of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Concerned that despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, persist, and are even growing in magnitude, continually assuming new forms,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers,

1. Takes note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1994/66);

2. Welcomes the proclamation by the General Assembly of the Third Decade to Combat Racism and Racial Discrimination beginning in 1993 and the Programme of Action for the Third Decade;

3. Also welcomes the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia;

4. Requests the Special Rapporteur to examine according to his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-first session;

5. Also requests the Special Rapporteur to have an exchange of views with the various relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation;

6. Calls upon all Governments, intergovernmental organizations, relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur;

7. Encourages the Special Rapporteur in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance;

8. Requests the Special Rapporteur to use any information that he might deem relevant to his mandate as established in Commission resolution 1993/20 of 2 March 1993;

9. Encourages Governments to cooperate closely with the Special Rapporteur with a view to enabling him to fulfil his mandate;

10. Regrets that the Special Rapporteur encountered difficulties in preparing his first report, owing to the lack of necessary resources;

11. Requests the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his

mandate and enabling him to submit an interim report to the General Assembly at its forty-ninth session and a comprehensive report to the Commission at its fifty-first session.

64th meeting
9 March 1994
[Adopted without a vote.]

1994/65. Human rights and the environment

The Commission on Human Rights,

Recalling General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992,

Recalling also its resolution 1993/90 of 10 March 1993,

Reaffirming the Rio Declaration on Environment and Development and Agenda 21, adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

Taking note of the reports submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1992/7 and Add.1 and E/CN.4/Sub.2/1993/7),

Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and respective capabilities,

Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitute a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should adopt and vigorously implement existing

conventions relating to the dumping of toxic and dangerous products and waste, and cooperate in the prevention of illicit dumping.

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries,

1. Reaffirms principle No. 1 of the Rio Declaration on Environment and Development, Declaration which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature;

2. Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

3. Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living;

4. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini, for her second progress report (E/CN.4/Sub.2/1993/7), reflecting the link between a healthy environment and the full enjoyment of human rights;

5. Recalls that everyone has the right to enjoy the benefit of scientific progress and its application, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern;

6. Also recalls chapter 33 of agenda 21 on the provision of new and additional financial resources to developing countries to achieve sustainable development;

7. Endorses the request of the Sub-Commission to the Special Rapporteur to prepare a final report on human rights and the environment with conclusions and recommendations, including recommendations for the follow-up by the Commission of her work.

8. Decides to continue its consideration of this question, including the recommendation of the Sub-Commission at its fifty-first session under the agenda item entitled "Questions of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development";

9. Calls on Governments, specialized agencies and governmental and non-governmental organizations to cooperate with the Special Rapporteur, in particular by furnishing relevant information on the obstacles that environmental problems pose for the full enjoyment of human rights;

10. Requests the Secretary-General to provide the necessary assistance to the Special Rapporteur in the fulfilment of her mandate;

11. Decides to include in the provisional agenda of its fifty-first session a new item entitled "Human rights and the environment".

64th meeting
9 March 1994
[Adopted without a vote.]

1994/66. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Recalling its resolution 1993/70 of 10 March 1993 and its previous relevant resolutions, as well as those of the General Assembly,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy, identifies the linkage between preventive diplomacy and humanitarian assistance and recognizes that preventive diplomacy requires an early-warning capacity,

Noting also that the concepts and recommendations put forward by the Secretary-General in "An Agenda for Peace" continue to be considered by the General Assembly and consultations in this regard are still taking place, and, in this context, taking note of General Assembly resolutions 47/120 A and B of 18 December 1992 on "An Agenda for Peace",

Noting further that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595), states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

Recalling that the World Conference on Human Rights has recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people,

Recalling also that the World Conference on Human Rights recognized that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing, a comprehensive approach by the international community is needed in coordination and cooperation with the countries concerned and relevant organizations and bearing in mind the mandate of the United Nations High Commissioner for Refugees, including, inter

alia, the development of strategies to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide, in particular women and children, who constitute the majority of the world's refugee population and who are often exposed to serious threats to their safety and well-being,

Recognizing that the Commission on Human Rights has a number of mechanisms to address human rights violations, which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Calls upon special rapporteurs, special representatives and working groups studying situations of violation of human rights to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports to the Commission;

5. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all

mechanisms of the Commission and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

6. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions;

7. Welcomes the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies, and encourages her to seek ways to make these contributions even more effective;

8. Invites the United Nations High Commissioner for Refugees to address the Commission at its fifty-first session;

9. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

10. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons;

11. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation and to designate the Department of Humanitarian Affairs as the focal point and facilitator of the consultation;

12. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

13. Urges all the bodies involved in the inter-agency consultation to cooperate fully in and devote the necessary resources to the successful operation of the consultation;

14. Requests the High Commissioner for Human Rights to pay attention, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world, to situations of mass exodus;

15. Requests the Secretary-General to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-first session a report containing information and views on solutions that they have found to be effective in the area of mass exoduses, a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home and his views on the matters referred to in his report;

16. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and the displaced".

64th meeting
9 March 1994
[Adopted without a vote.]

1994/67. Civil defence forces

The Commission on Human Rights,

Recalling that everyone has the right to life, liberty and security of person,

Considering the reports of the Secretary-General on civil defence forces submitted pursuant to Commission on Human Rights resolutions 1992/57 of 3 March 1992 (E/CN.4/1993/34) and 1993/54 of 9 March 1993 (E/CN.4/1994/38),

Taking note with interest of the observations regarding the use of civil defence forces not belonging to regular law enforcement agencies and the protection of human rights and fundamental freedoms contained in the reports of the Working Group on Enforced or Involuntary Disappearances,

Noting that the formation of civil defence forces to protect public order appears to be on the rise worldwide, particularly in areas of conflict,

Recognizing that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Recognizing also that under exceptional circumstances, when public military and police forces are unable to act, there may be a need to establish civil defence forces to protect the civilian population,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Realizing that the individual has a right and a responsibility to strive for the promotion and observance of the rights recognized in the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights,

1. Expresses its appreciation to the Governments and intergovernmental and non-governmental organizations that have provided information on domestic law and practice relating to civil defence forces or comments concerning their relation to the protection of human rights and fundamental freedoms, pursuant to Commission on Human Rights resolution 1993/54;

2. Recommends that, whenever armed civil defence forces are created to protect the civilian population, Governments establish, where appropriate, minimum legal requirements for them, within the framework of domestic law, including the following:

(a) Civil defence forces shall only be deployed for the purpose of self-defence;

(b) Recruitment into them shall be voluntary and shall be effectively controlled by public authorities;

(c) Public authorities shall supervise their training, arming, discipline and operations;

(d) Commanders shall have clear responsibility for their activities;

(e) Civil defence forces and their commanders shall be clearly accountable for their activities;

(f) Offences involving human rights violations by such forces shall be subject to the jurisdiction of the civilian courts;

3. Invites the special rapporteurs, working groups and treaty bodies concerned to continue to pay due attention, within their mandates, to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms.

64th meeting
9 March 1994
[Adopted without a vote.]

1994/68. Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recalling the relevant norms of international human rights instruments, as well as of international humanitarian law and international refugee law,

Deeply disturbed by the large and growing number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of protection and of relief assistance and recognizing the need for States and the international community to explore methods and means better to address the protection and assistance needs of internally displaced persons,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community,

Recalling its resolution 1993/95 of 11 March 1993, in which it requested the representative of the Secretary-General to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions,

Recalling the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights called for a comprehensive approach by the international community with regard to refugees and displaced persons,

Bearing in mind that the General Assembly, in its resolution 48/135 of 20 December 1993, welcoming the decision by the Executive Committee of the Office of the United Nations High Commissioner for Refugees to extend, on a case-by-case basis and under specific circumstances, protection and assistance to the internally displaced, encouraged the representative, through dialogue with Governments, to continue his review of the needs for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms,

Bearing in mind also that in the same resolution the Assembly invited the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to internally displaced persons,

Conscious of the need for the United Nations system to gather comprehensive information on the issue of the protection of the human rights of and assistance to internally displaced persons, as well as to coordinate effectively its activities in this regard,

Welcoming the cooperation already established between the representative of the Secretary-General and the Office of the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and other relevant intergovernmental and non-governmental organizations, and encourage them to actively pursue their consultations on this issue,

Aware of the need to address the root causes of internal displacement,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1994/44 and Add.1);

2. Commends the representative of the Secretary-General for the activities so far undertaken, despite the limited resources available to him, and for his proposed programme of activities;

3. Welcomes the efforts of the representative to continue raising the level of consciousness about the plight of the internally displaced;

4. Encourages the representative, through dialogue with Governments and all intergovernmental and non-governmental organizations concerned, and, in accordance with his mandate, to continue his review of the needs for protection of and assistance to internally displaced persons, including his compilation and

analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations;

5. Also encourages the representative to continue to pay specific attention in his review to the protection and assistance needs of women and children;

6. Invites the representative to make suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing adequate and effective protection of and assistance to internally displaced persons;

7. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

8. Also calls upon Governments to give due consideration, in dialogue with the representative, to the recommendations and suggestions made to them by the representative for improving protection and assistance to internally displaced persons;

9. Calls upon relevant Rapporteurs, Working Groups and experts, in accordance with their mandates, to seek information on situations which could lead to internal displacement and to include relevant information and recommendations thereon in their reports to the Commission;

10. Calls upon the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees, all regional intergovernmental organizations, the International Committee of the Red Cross, the International Organization for Migration and non-governmental organizations to continue to cooperate with the representative and assist him in fulfilling his mandate;

11. Encourages the representative of the Secretary-General to continue to cooperate and coordinate with the Office of the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and the International Committee of the Red Cross;

12. Urges concerned United Nations agencies to provide to the representative all necessary information, and calls upon the representative to

propose ways and means of setting up a more coherent system of data collection on issues related to the situation and protection of internally displaced persons;

13. Encourages the representative in this respect to seek the contribution of local, national and regional academic and research institutions;

14. Requests the Secretary-General to give all necessary assistance, within existing resources, to his representative to carry out his mandate effectively, in particular with regard to the study and analysis of the legal framework and the development of a comprehensive strategy;

15. Requests the representative of the Secretary-General to continue to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly;

16. Decides to continue its consideration of the question at its fifty-first session.

64th meeting
9 March 1994
[Adopted without a vote.]

1994/69. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1993/87 of 10 March 1993,

Recalling the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights called for an enhanced programme of advisory services highlighting both the traditional fields of technical assistance in the field of human rights and new areas of technical assistance of which Governments may avail themselves, as summarized in paragraphs 12 to 24 of the report of the Secretary-General (E/CN.4/1994/78),

Mindful of the responsibilities of the High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights, and of coordinating the human rights promotion and protection activities throughout the United Nations system,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation, being offered on a bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Emphasizing the importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or in reconstruction after situations of armed conflicts or internal disturbances, with the consent of the Governments concerned,

Convinced of the need for the Secretary-General and the High Commissioner for Human Rights to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible and active inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Reaffirming also that the provision of advisory services and technical cooperation activities may be seen as a complement to, but never a substitute

for, the monitoring and investigating activities of the human rights programme and that their provision does not in any way reduce a Government's responsibility for accountability on the human rights situation and, whenever applicable, would not exempt it from scrutiny through the various monitoring procedures established by the United Nations,

Convinced that the Centre for Human Rights needs clear criteria and methods of assessment, strict and transparent project management rules, as well as more efficient management and better coordination among existing voluntary funds,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/78),

I. ACTIVITIES UNDER THE REGULAR BUDGET OF THE UNITED NATIONS

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide, at the request of Governments and with the cooperation of the specialized agencies, where appropriate, assistance in the form of advisory services of experts, fellowships and scholarships, seminars and training courses at a regional and national level, the drafting of basic legal texts in conformity with international conventions on human rights in order to uphold the rule of law and democracy;

2. Invites competent United Nations treaty bodies, Special Rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

3. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

4. Again requests the Secretary-General to allocate more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources, in a manner compatible with other development objectives, in order to meet the substantially increased demand, in particular for the provision of expert services, emanating from the mandates of and recommendations made by the Commission on Human Rights, competent human rights

treaty bodies, special representatives and rapporteurs, independent experts and working groups, as well as from requests by Governments;

II. ACTIVITIES UNDER THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

5. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites other Governments and non-governmental organizations to consider contributing;

6. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights;

7. Welcomes the progress in the implementation of the global approach and the policy of the Centre for Human Rights to address specific demands of a requesting Government by carrying out a comprehensive needs assessment and developing an overall programme containing specific projects aiming at strengthening the human rights infrastructure of a country;

8. Underlines the importance of using such comprehensive needs assessment as a basis for cooperation with specialized bodies and other organizations of the United Nations system, as well as other relevant organizations;

9. Requests the Secretary-General, in accordance with part II, paragraph 16 of the Vienna Declaration and Programme of Action, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, as well as arranging for the holding of annual information meetings open to all member States and organizations directly involved in the advisory services and technical cooperation programme;

10. Underlines that any assistance through technical cooperation in the field of human rights under the Voluntary Fund has to be well prepared, and that there should be a regular and sustained follow-up between the involved national

bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General;

11. Welcomes the appointment by the Secretary-General of a board of trustees for the Voluntary Fund for Technical Cooperation;

12. Urges the Board of Trustees to review the existing project guidelines with a view to improving orientation for Governments requesting advisory services, establishing clear criteria for selecting and defining priorities for projects, as well as establishing an efficient and flexible project preparation, implementation and evaluation procedure;

13. Requests the Secretary-General to provide the necessary administrative assistance for the Board, in order to make it possible for it to fulfil its mandate, and to arrange Board meetings such that the report of the Board can be included in the annual report to the Commission on Human Rights on advisory services and technical cooperation;

14. Also requests the Secretary-General, in the light of the increasing availability of voluntary contributions, to expand the provision of experienced, professional staff or to avail himself of the services of consultant experts, keeping pace with the increased demand for advisory services;

15. Invites the Centre for Human Rights to give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area;

16. Encourages Governments to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

III. SYSTEM-WIDE COOPERATION

17. Requests the Secretary-General through the High Commissioner for Human Rights to explore yet further the possibilities offered by cooperation between the Centre for Human Rights, in its role as the coordinating unit in the promotion, protection and implementation of human rights, and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, including arrangements where needs identified by

the Centre are met by projects for which such other bodies and organizations take full responsibility for financing and implementation of the project;

18. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the overall United Nations Development Programme country programmes and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the Programme;

19. Requests the Secretary-General to prepare an inventory and to undertake an analysis of the availability of advisory services and technical cooperation in the field of human rights from all sources, both multilateral and bilateral;

20. Also requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

64th meeting
9 March 1994
[Adopted without a vote.]